

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EARLANDO SAMUEL,  
Plaintiff,

CIVIL ACTION

v.

NO. 22-02451

THE DELAWARE COUNTY HOUSING  
AUTHORITY, LAURA BLACKBURN,  
DAWN WARE, CHRISTINA PRO,  
INGERMAN PROPERTY  
MANAGEMENT, RASHIDA SMITH,  
RYANN WILLIAMS, NEFERTITI  
RIVERS, TERRI HARDIN, GREG  
WARD, and CATHERINE CUENY,  
Defendants.

**ORDER**

**AND NOW**, this 27th day of December, 2022, it is hereby **ORDERED** that *pro se* Plaintiff Earlando Samuel's Motions to Have the U.S. Marshals Make Service (ECF Nos. 23 & 29) are **DISMISSED as MOOT**.<sup>1</sup>

**BY THE COURT:**

/s/Wendy Beetlestone, J.

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**WENDY BEETLESTONE, J.**

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<sup>1</sup> Plaintiff's motions request that the U.S. Marshals Service be directed to serve Defendants Catherine Cueny and Laura Blackburn. Although Defendants Cueny and Blackburn have not been served, they filed a Motion to Dismiss Plaintiff's Complaint under Federal Rule of Civil Procedure 12(b)(6). ECF No. 28. Cueny and Blackburn's Rule 12 motion does not raise objections to defective service of process and therefore waives potential objections to defective service as to those Defendants, rendering Plaintiff's motions moot. *See* Fed. R. Civ. P. 12(g), (h); *Govt. of V.I. v. Sun Island Car Rentals, Inc.*, 819 F.2d 430, 433 (3d Cir. 1987) ("Under Rule 12(h) of the Federal Rules of Civil Procedure, defective service of process is waived if it is not challenged in the first defensive pleading.").